

REMARKS

Status of the Claims

Claims 2, 3, 6-9, 11-14, 19, 22-27, 30-38, 41, 42, 46-54, 59, 60, 63-67, 69-70 and 72-121 are pending in the present application. Claims 119-121 have been added.

Interview Summary Record

Applicants' Representative gratefully appreciates the Examiner's consideration during the interview on March 29, 2005. The claims have been amended consistent with Applicants' arguments during the interview. For example, the Examiner should note that the Turley reference expressly disclaims high molecular weights as claimed. See page 12, lines 8-15 of the Turley et al. reference. Further, Balasz clearly does not teach a pharmacologically effective composition.

Claim Rejections - 35 U.S.C. §102

Claims 2, 6, 7, 11, 12, 14, 19, 22, 23, 36-38, 41, 42, 46-51, 53, 54, 59, 66, 69, 70, 73-76, 78, 80, 81, 91-95, 112, 117 and 118 are rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,303,676 to Balazs for the reasons set forth on pages 6-9 of the Office Action. Claims 71, 72, 77, 79, 82-90 and 113-115 are free of this rejection.

Claims 2, 6, 7, 11, 12, 14, 19, 22, 23, 36-38, 41, 42, 46-51, 53, 54, 59, 66, 69, 70, 73-76, 78, 80, 81, 91-95, 112, 117 and 118 are rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by WO 97/25051 to Turley for the reasons set forth on pages 9-10 of the Office Action. Claims 71, 72, 77, 79, 82-90 and 113-115 are free of this rejection.

Claims 2, 6, 7, 11, 12, 14, 19, 22, 23, 36-38, 41, 42, 46-51, 53, 54, 59, 66, 69, 70, 73, 84, 90, 92-95, 112, 117 and 118 are rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by WO 92/22585 to Gallina for the reasons set forth on pages 10-11 of the Office Action. Claims 71, 72, 74-83, 91 and 113-115 are free of this rejection.

Claims 2, 6, 7, 11, 12, 14, 19, 22, 23, 36-38, 41, 42, 46-51, 53, 54, 59, 66, 69, 70, 73, 76, 77, 82-84, 92-95, 112, 117 and 118 are rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by JP 9-262057 for the reasons set forth on page 7 of the Office Action. Claims 71, 72, 74, 75, 78-81, 85-91 and 113-115 are free of this rejection.

These rejections are respectfully traversed.
Reconsideration and withdrawal thereof are requested.

Rejection Over Claim 19

The Examiner should note that the subject matter of claim 71 has been incorporated into claim 19. Claim 19 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 19 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection Over Claim 22

The Examiner should note that substantial portions of the subject matter of claim 72 have been incorporated into claim 22. Claim 22 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 22 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection Over Claim 23

The Examiner should note that substantial portions of the subject matter of claim 72 have been incorporated into claim 23. Claim 23 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 23 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection Over Claim 70

The Examiner should note that substantial portions of the subject matter of claim 72 have been incorporated into claim 70. Claim 70 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 70 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection Over Claim 73

The Examiner should note that substantial portions of the subject matter of claim 72 have been incorporated into claim 73. Claim 73 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 73 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection Over Claim 92

The Examiner should note that substantial portions of the subject matter of claim 72 have been incorporated into claim 92. Claim 92 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 92 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection Over Claim 94

The Examiner should note that substantial portions of the subject matter of claim 72 have been incorporated into claim 94. Claim 94 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 92 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection Over Claim 117

The Examiner should note that substantial portions of the subject matter of claim 72 have been incorporated into claim 117. Claim 117 is amended to overcome the rejections under 35 U.S.C. 112. Thus, the rejections of claim 117 and all claims dependent thereon under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Summary of Rejections Under 35 U.S.C. 102(b)

Claims 71 and 72 are free of the rejections under 35 U.S.C. 102. Substantially all of the subject matter of claim 71 has been incorporated into claim 19. Substantially all of the subject matter of claim 72 has been incorporated into the remaining independent claims that are rejected under 35 U.S.C. 102. Accordingly, the various rejections under 35 U.S.C. 102(b) should be withdrawn by the Examiner.

Rejection of Claims Over WO 97/25051 to Turley et al. Under 35 U.S.C. 103

Claims 2, 6, 7, 11, 12, 14, 19, 22, 23, 36-38, 41, 42, 46-51, 53, 54, 59, 66, 69-95, 112-115, 117 and 118 are rejected by the Examiner under 35 U.S.C. 103 over WO 97/25051 to Turley et al. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Turley et al. also clearly state that a molecular weight >1,000,000 daltons will not be orally effective (see page 12, lines 8-14). In fact, Turley et al. teach away from using any composition with a molecular weight >1,000,000 daltons. In the present invention, one of the molecular weight fractions recited by the amended claims is >1,000,000 daltons. Also see claims 120-121.

The Examiner has also failed to comment on the nutritional composition recited in claim 112 or why such a composition would be obvious. Also see claims 113, 114, 119 and 121.

Finally, Turley et al. does not utilize HA of the claimed purity. Thus, the present invention is not obvious over the teachings thereof.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Marc S. Weiner, #32,181
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MSW/sh
2059-0103P